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LETTER DATED 28 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a report by the Hon. Mario Raffaelli, Chairman of the Conference on Nagorny Karabakh of the Conference on Security and Cooperation in Europe dated 27 July 1993.

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council.

(Signed) Francesco Paolo FULCI
Permanent Representative

Annex

Report by the Chairman of the Minsk Conference of the Conference on Security and Cooperation in Europe on Nagorny Karabakh to the President of the Security Council dated 27 July 1993

1. Following my visit to the Caucasus region and to the area of the Nagorny Karabakh conflict, I would like to add some further elements to those already provided by the United Nations representatives in Baku and Erevan. I also wish to take this opportunity to express my thanks for the invaluable assistance and full cooperation these representatives provided in both capitals.

2. The situation has, of course, changed dramatically with the seizure of the city of Agdam by opposing forces. This has dealt the negotiating process a severe blow and has somewhat altered the assumptions on the basis of which my mission had been decided upon by the Conference on Security and Cooperation in Europe (CSCE).

3. The aim of the mission, which included representatives of the CSCE Chairman-in-Office, was to determine, on the basis of an assessment of the situation in the region, whether and when the "timetable of urgent steps to implement United Nations Security Council resolution 822 (1993)", worked out by the nine countries in the Minsk Group, could come into force.

4. In the course of the visit, both the President of Armenia and the acting President of Azerbaijan reconfirmed their full and determined support for the CSCE Minsk Group timetable. Both insisted that it should enter into force as early as possible and without any changes. Both pledged the cooperation of their Governments and authorities for its implementation. A most refreshing finding was, above all, the two Presidents' apparent willingness to consult and to cooperate between them, whenever necessary and desirable, concerning such implementation.

5. In Nagorny Karabakh I found a completely different attitude on the part of the local Armenian community leaders. Their attitude appeared to be rigid and governed by military, rather than diplomatic, considerations. Although the Chairman of their Supreme Council had signed the timetable, they now told us this signature had been affixed in his personal, not his official capacity. They then went through a number of objections and in the end they handed me a letter dated 13 July 1993 spelling out such objections.

6. Some of them were of a general political nature, such as, for instance, a series of remarks and questions on the political process under way in Azerbaijan. Other points related to the plan itself, but none of these seemed to represent a fundamental obstacle to the entry into force of the timetable.

7. I then agreed to send them a reply to the various points and objections raised. This I did on 16 July, refuting the political points as being not pertinent in the context of the negotiating process. I also provided them with the requested explanations and clarifications on the technical issues and asked them to confirm their signature definitively.

8. In their letter dated 20 July, they appeared to have dropped some of their earlier objections, while insisting on some others, and raising some new points. They mentioned having given their agreement in principle. They did not confirm it, but neither did they openly challenge it. They also reconfirmed their attachment to a peaceful solution.

9. I then convened a meeting of the nine countries, which was held in Rome on 22 and 23 July. While the meeting was in progress and we were working on the final version of the timetable, we received the news that the city of Agdam, after a continued escalation of hostilities and armed attacks, had been seized by opposing forces. We were then facing a situation where not only had resolution 822 (1993) not been implemented three months after its approval, but further territories of the Azerbaijani Republic were being occupied.

10. I then proposed to publish the attached statement (see appendix), which was unanimously endorsed by the nine.

11. The nine also approved the terms of a letter that I sent to the Chairman-in-Office, with a view to suggesting that a CSCE presence be established in the region and recommending that preparations for a CSCE Monitoring Mission be continued.

12. I hardly need to underline that the seizure of Agdam is in flat contradiction with past Nagorny Karabakh Armenian assurances that they remained committed to a peaceful settlement of the conflict and, specifically, that they had no intention of taking Agdam. It also belies their statement to me that their forces in the Agdam region had no intention of advancing any further and, therefore, had surrounded themselves with minefields that could not be removed (hence their refusal to let my mission travel along the Agdam-Stepanakert road, as we had requested). Nor can the taking of Agdam be excused on grounds of self-defence: I myself had visited the place and, from what my mission and I have seen, I consider that the military situation was such that Agdam posed no serious military threat to Nagorny Karabakh.

13. We are now trying to assess whether the seizure of Agdam signifies a definitive departure by the Nagorny Karabakh Armenians from a compromise settlement in which - just as the other parties to the conflict - they would not fully achieve their present objectives.

14. The CSCE negotiating process will continue despite this undoubted setback. It is, however, my conviction that, given the present political and military balance of forces, a new impetus cannot be provided to the peace process by diplomatic ingenuity alone. Political pressure is needed by the international community, and some diplomatic groundwork should be done in selected capitals, along with the continuation of the CSCE negotiating process. Needless to say, CSCE readiness to send an observer mission is being maintained.

15. I believe that our ongoing negotiating process would be well served by further political support and coordinated political pressure by the international community. In this spirit, I venture to suggest some areas where, in my assessment, early action by the Security Council would contribute in an important way to the peaceful settlement of the conflict in accordance with resolution 822 (1993).

16. These areas may include:

(a) Condemning the seizure of Agdam as a new specific threat to peace and security in the region, and as an act that cannot be justified on self-defence grounds and that contradicts the commitment to a peaceful settlement of the conflict;

(b) Condemning all bombardments and shelling of inhabited areas and population centres in the area of conflict;

(c) Demanding an immediate and unconditional withdrawal from all recently occupied territories, as already requested in Security Council resolution 822 (1993), including the city of Agdam, which should be kept free from further destruction and looting, and other territories occupied after that resolution was approved;

(d) Requesting an immediate cessation of hostilities throughout the area of conflict;

(e) Requesting that arrangements be made, with international assistance, so that refugees can return to their homes as soon as the occupying forces are withdrawn;

(f) Supporting the "timetable of urgent steps to implement United Nations Security Council resolution 822 (1993)" worked out by the nine countries of the Minsk Group, and endorsing the Group's continuing efforts to find a peaceful solution to the conflict;

(g) Requesting all States to impose an immediate embargo on all deliveries of weapons and munitions to forces engaged in combat in the Nagorny Karabakh area;

(h) Warning parties to the conflict against any further escalation of hostilities and about the international consequences of such actions.

Appendix

Statement by the Chairman of the CSCE Minsk Conference on the offensive on and reported seizure of the Azerbaijani city of Agdam

The Chairman of the CSCE Minsk Conference on Nagorny Karabakh, together with the representatives of the nine countries that are co-sponsors of the cease-fire timetable for Nagorny Karabakh, strongly condemn the offensive on, and the reported seizure of, the Azerbaijani city of Agdam. They ask for the immediate cessation of hostilities and for the withdrawal from the occupied territory.

This unacceptable act occurred at the very moment when the nine were meeting to prepare the final version of the cease-fire timetable. It specifically violated direct and repeated commitments made to the Chairman of the Minsk Conference by the leaders of the Armenian community of Nagorny Karabakh that they would not seize Agdam.

This behaviour, recalling similar actions with respect to the Azerbaijani territory of Kelbajar, calls into question whether it is possible to continue to include this group in the CSCE negotiating process for the Nagorny Karabakh conflict.

The Minsk Group has worked in good faith for more than one year to help to find a peaceful solution to the situation of Nagorny Karabakh. Based on this work, CSCE is prepared to dispatch a substantial Monitoring Mission to help to ensure that a cease-fire is respected while negotiations move forward on the political status of Nagorny Karabakh. Each time the Group has reached a significant milestone in its work, military actions have been undertaken that have undercut these efforts. It is in the interest of the Armenian community of Nagorny Karabakh to respect Security Council resolution 822 (1993) and the decisions of the Minsk Group and to withdraw immediately from territories recently seized by force. This is the key factor in ensuring that peaceful negotiations can move forward.

Those who encourage the Armenian community of Nagorny Karabakh to continue the fighting and the encroachment on the surrounding territories share responsibility for the continuing loss of Armenian lives and the destruction of the Armenian economy.

For his part the Chairman of the Minsk Conference requested CSCE to establish a presence in the region as soon as possible. A report will also be presented to the President of the United Nations Security Council on this serious and alarming setback to the Group's efforts to find a solution to the ongoing conflict.

The nine will meet again next week to consider further steps.